least 38 amino acids, contain a diagnostic or therapeutic label, compete with labeled DFP-uPA, and is not a fusion protein as set forth in independent claim 1;

Group II : Claims 13-20, 25, 27, 29, and 31, drawn to methods and a composition comprising a uPA compound that modifies the active site of tcuPA and retains the uPA enzymatic endosite and binding, and has a chelator as set forth in independent claim 13; and

Group III : Claims 21-23, 35, 36, 38, 39, 41, 43, 45, 47, and 49, drawn to methods and a composition comprising a uPA peptide compound that binds to the endosite and one or more exosites of tcuPA and modifies the endosite as set forth in independent claim 21.

Applicants traverse the Restriction and Election of Species Requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect the claims of Group III, claims 21-23, 35, 36, 38, 39, 41, 43, 45, 47, and 49, directed to methods and compositions comprising a uPA peptide compound that binds to the endosite and one or more exosites of tcuPA or a fragment or subunit of tcuPA and modifies the endosite as set forth in independent claim 21. Applicants reserve the right to pursue prosecution of the non-elected claims

in a later filed application claiming the benefit of priority of the above-identified application.

In particular, Applicants traverse the Restriction Requirement with respect to the division of the claims of Group II from the claims of Group III. Applicants submit that, while the claims of Group II are patentable distinct from the claims of Group III, a thorough search of the elected claims of Group III will include art relevant to the claims of Group II. Specifically, a thorough search of the claims of Group II, which are directed to uPA active site targeting compounds that covalently modify the active site of tcuPA, or a fragment or subunit thereof, and related methods, will necessarily reveal such compounds that also bind to one or more exosites as recited in the claims of Groups III. Applicants submit that search and examination of the claims of Group II along with the claims of Group III does not pose a serious burden to the Examiner.

Moreover, the claims of Group II, while patentably distinct form the claims of Group III are related such that the division of the claims into separate groups will result in a duplicative effort by the U.S. Patent and Trademark Office. Since joint examination of claims of Groups II and III will not result in a serious burden on the Examiner, rejoinder of Group II with Group III is respectfully requested.

The Examiner has also issued an Election of Species Requirement where the Applicants must elect all components associated with the group such as the detectable label, chelator,

protein or peptide, method wherein the elected species is utilized and amino acids (e.g., see claim 22). Applicants representative appreciates the Examiner's time and helpful comments regarding the Election of Species Requirement provided during the telephone discussion on August 18, 2003. Applicants disagree with the Election of Species Requirement, however, in order to be responsive to the Requirement, Applicants elect for examination within claim 21: (i) exosites of tcuPA and (c) a chelator that is optionally bound to a detectable label. Regarding claim 22, Applicants elect the peptide compound of claim 21 that has the general formula (Label-Chelator)-(Peptide Z)-$(Xaa)_{2-6}$-(Lys,Arg)-(alkylating group) (see claim 22, last line). Regarding claim 23, Applicants elect (b) exosites of tcuPA. For the detectable label or therapeutically active moiety in claim 43, Applicants elect the radionuclide ^{188}Re. Regarding a method for use, Applicants elect a method for inhibiting cell invasion (see claims 45 and 49). Applicants submit that claims 21-23, 35, 36, 38, 39, 41, 43, 45, 47, and 49 read on the elected species.

CONCLUSION

Applicants appreciate the Examiner's reconsideration of the Restriction and Election of Species Requirement. The Examiner is invited to contact the undersigned agent or Cathryn Campbell with any questions related to this application.

Respectfully submitted,

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